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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,802	03/30/2001	Volker Kettler	TPP 31370	5014

7590 07/01/2003

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT PAPER NUMBER

3637

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/821,802

Applicant(s)

KETTLER ET AL.

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 recites the limitation "said top end" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 13 fourth paragraph lines 1-2 "the groove...of the adjacent ...groove..." is confusing. Should it be "the lip ....of the adjacent...groove..."?

**Applicant has clearly pointed out that only a single board is claimed. The claims below will thus be examined in scope accordingly.**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-3, 5-6, 10-11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Moriau et al (6006486).

Moriau et al (figures 5-7) shows a parquet board with a groove and tongue edge profile comprising an upper decorative surface (7; col 9 lines 10-15 discloses the surface covered paper which is inherently decorative by nature) atop a core (8), a projecting tongue (31) on at least one edge of each parquet board and a receding groove (32) on at least one other edge of the parquet

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board, the top edge of the tongue having a projecting locking lip (33, the face 7 being the top surface) running in the longitudinal direction of the tongue, a corresponding locking recess (39) being provided running the longitudinal direction of the groove, the edge of the board defining the groove having a top groove cheek (34) a bottom groove cheek (42), the recess being formed in the lower portion of the top groove cheek, the top and bottom groove cheeks defining an entry for the groove, the bottom groove cheek being shorter than the top groove cheek, a gradation (WP, appendix B) being provided on the bottom groove cheek widens only a portion of the groove and a tapered surface (TP, appendix B) being provided between the widened portion of the groove and the remainder of the groove, the tongue being provided in its root portion with a section of greater thickness than the remainder of the tongue forming a thicker tongue portion (RP, appendix B) via a linear tapered surface, the thickness in the remaining portion of the tongue being connected to the thicker tongue portion via a tapered surface (TP2, appendix B, 40, 38), the thicker portion of the tongue being not yet engaged in the graduated portion when the lip enters the groove during assembly of the board, the entry edge of the top groove cheek being provided with a tapered surface (41), the locking lip having an edge closest to a free end of the tongue and the edge being provided with a tapered or rounded surface (30, 40), the tongue being sized such that when in an assembled position with an adjacent board the tongue does not have the length which completely fills the groove and hence a gap between the tongue and an end of the groove (figure 7, 32), at least a small gap (figure 7, G) between an edge of the locking lip and the corresponding edge of the recess when the board is assembled with an adjacent board, at least a small gap between the tapered surfaces (TP, and TP2) on the groove and on the tongue, the board being an elongated rectangle.

Moriau et al shows all the claimed structures. Moriau et al's boards inherently can function as claimed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriau et al (6006486) in view of Roy et al (6216409).

Moriau et al shows all the claimed limitations except for the end of the tongue on a bottom side having a tapered surface.

Roy et al shows a tapered surface (12, figure 2) on a bottom side of the end of the tongue to enable easy insertion of the tongue into the groove.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Moriau et al to show the end of the tongue on a bottom side having a tapered surface because it would enable easy insertion of the tongue into the groove as taught by Roy et al.

5. Claims 4, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (5274979) in view of Moriau et al (6006486).

Tsai (figure 2) shows a parquet board having a tongue and groove edge profile comprising an upper decorative surface (24b) atop a core, the top of the tongue having a

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projecting lip (19) running the in the longitudinal direction of the tongue, a corresponding locking recess (29) is provided in the groove, the groove having a top cheek and a bottom cheek, the recess being at the bottom of the top cheek, the bottom cheek (22) being shorter than the top groove cheek (24), the tongue having in its root portion a section of greater thickness than the remainder of the tongue (the part of the tongue having the lip), the thickness in the remaining portion of the tongue being connected to the thicker tongue portion via a linear tapered surface (the tapered surface provided by the lip 19), the top cheek of the board projects beyond the groove so that when assembled with an adjacent parquet board, the boards come into contact with each other (figure 4), the top end of the projecting tongue being in contact with the top cheeks of an adjacent board to form a surface ( figure 4).

Tsai does not show a gradation being provided on the bottom groove cheek, which widens only a portion of the groove and a tapered surface being provided between the widened portion of the groove and the remainder of the groove.

Moriau et al shows a gradation being provided on the bottom groove cheek, which widens only a portion of the groove and a tapered surface being provided between the widened portion of the groove and the remainder of the groove (figures 5-7, appendix B).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Tsai to show a gradation being provided on the bottom groove cheek which widens only a portion of the groove and a tapered surface being provided between the widened portion of the groove and the remainder of the groove because it would enable easy insertion of the tongue and groove together for easy assembly of two board members together.

*Response to Arguments*

6. Applicant's arguments with respect to claims 2-6,10-14 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different floorboard designs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A  
June 30, 2003

PA

LANNA MAI  
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